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26021
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In re Application of :
SHIKATA *et al* :
Application No.: 10/578,025 :
PCT No.: PCT/JP2004/016128 :
Int. Filing Date: 29 October 2004 :
Priority Date: 30 October 2003 :
Attorney Docket No.: 81880.0145 :
For: BIOMEDICAL MEMBER AND METHOD :
FOR PRODUCING THE SAME :

DECISION

This decision is in response to the papers filed 23 December 2008.

BACKGROUND

On 02 October 2008, a decision dismissing applicant's petition under 37 CFR 1.48(a) as moot was mailed. But applicants did not adequately explain a discrepancy in the spelling of an inventor's name. Thus, the declaration was held not in compliance with 37 CFR 1.497(a)(3). Applicants were given two months to respond with extensions of time available.

On 23 December 2008, applicants filed the subject response which was accompanied by a one-month extension and fee.

DISCUSSION

The declaration filed 27 December 2006 was held not in compliance with 37 CFR 1.497(a)(3) as it did not properly identify each inventor. The international publication lists the name of the third inventor as Iso WANG. The declaration recorded the name of the third inventor as Yucong WANG.

In the prior response, applicants explained that this was the result of a spelling error on the PCT Request. However, due to the difference in the name of the first inventor, applicants were requested to provide further information.

In the subject response, counsel affirms that the error made of the names of the two inventors in the PCT application was simply a translation error of Japanese and Chinese characters. In this case, the name listed on the declaration filed 27 December 2006 is correct as the inventor was/is a Chinese citizen.

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This explanation is sufficient and meets the requirements of the MPEP.

CONCLUSION

The declaration filed 27 December 2006 properly identifies all inventors and is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for mailing a new Form PCT/DO/EO/903 and filing receipt in accordance with this decision.

A handwritten signature in black ink, appearing to read "James Thomson", written in a cursive style.

James Thomson
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